

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RAYSA GONZALEZ	§	
<i>Plaintiff,</i>	§	
	§	
V.	§	C.A. NO. _____
	§	
CHIPOTLE MEXICAN GRILL, INC.;	§	
<i>Defendant.</i>	§	

DEFENDANT'S NOTICE OF REMOVAL

Defendant Chipotle Mexican Grill, Inc., pursuant to 28 U.S.C. §§ 1332 and 1441(a), and without waiving any defenses, hereby gives notice of removal of this case from the 295th Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division, and shows the Court as follows:

I.
INTRODUCTION

1. Plaintiff Raysa Gonzalez filed this action for alleged personal injuries against Chipotle Mexican Grill, Inc. in the 295th Judicial District Court of Harris County, Texas, on April 12, 2022. The case was assigned Cause No. 2022-22252. The state court has not issued any rulings in this case.
2. Plaintiff alleges that she sustained injuries on December 2, 2020, at a Chipotle store located at 13630 East Freeway, Suite 100, Houston, Texas 77015, when she allegedly slipped and fell while entering the store.
3. Venue is proper in this district under 28 U.S.C. § 1441(a) because this Court occupies the district and division in which Plaintiff's Original Petition was filed.

4. This Notice of Removal is being filed within 30 days of service of process. Plaintiff's Original Petition listed the wrong registered agent for Chipotle Mexican Grill, Inc., and the citation was served on the wrong registered agent on April 28, 2022. *See* Exhibit D at 1 (Plaintiff's Original Petition); Exhibit E (Return of Service). Subsequently, on July 25, 2022, Plaintiff filed her First Amended Petition listing the correct registered agent for Chipotle Mexican Grill, Inc. *See* Exhibit F at 1 (Plaintiff's First Amended Petition). Counsel for Defendant Chipotle Mexican Grill, Inc., by agreement with Plaintiff's counsel, accepted service of process for Plaintiff's First Amended Petition on July 27, 2022. Therefore, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

5. Defendant Chipotle Mexican Grill, Inc., will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

II.

BASIS FOR REMOVAL

6. Removal of this action is proper because there is complete diversity between the parties. 28 U.S.C. § 1332(a). Plaintiff is a citizen of Texas. Chipotle Mexican Grill, Inc. is a citizen of Delaware and Colorado because it is incorporated in Delaware and has its principal place of business in Colorado. The amount in controversy exceeds \$75,000, excluding interest, costs, and attorneys fees. 28 U.S.C. § 1332(a). Under Section I of her First Amended Petition, Plaintiff alleges that she "seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00" *See* Exhibit F at 1 (Plaintiff's First Amended Petition).

III.

JURY DEMAND

7. Plaintiff demanded a jury in the state court action.

IV.

DOCUMENTS FILED WITH THIS NOTICE PURSUANT TO LOCAL RULE CV-81

8. Pursuant to Southern District of Texas Local Rule 81, Chipotle Mexican Grill, Inc., files the following documents with this Notice.

EXHIBIT A: An Index of all matters being filed with this Notice.

EXHIBIT B: List of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number, and party or parties represented.

EXHIBIT C: Docket sheet from Cause No. 2022-22252, in the 295th Judicial District Court of Harris County, Texas, of Plaintiff's Original Petition filed in Cause No. 2022-22252.

EXHIBIT D: Plaintiff's Original Petition filed in Cause No. 2022-22252, in the 295th Judicial District Court of Harris County, Texas.

EXHIBIT E: Return of Service of Plaintiff's Original Petition.

EXHIBIT F: Plaintiff's First Amended Petition.

V.

CONCLUSION

BASED ON THE FOREGOING, Defendant Chipotle Mexican Grill, Inc. removes this case from the 295th Judicial District Court of Harris County, Texas, to this Court.

Respectfully submitted,

BLUE WILLIAMS, LLC

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ATTORNEYS FOR DEFENDANT
CHIPOTLE MEXICAN GRILL, INC.

CERTIFICATE OF SERVICE

A true copy of the above and foregoing was served on the following counsel of record by fax and/or certified mail, return receipt requested, on August 3, 2022.

LAW OFFICE OF DOMINGO GARCIA, L.L.P.

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/s/ Steven S. Reilley
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